



CONSTRUCTION EDUCATION AND TRAINING AUTHORITY

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CETA CONSTITUTION

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1. PURPOSE OF THIS CONSTITUTION

The purpose of this Constitution is to provide an institutional framework for the construction sector to devise and implement national, provincial and workplace strategies in order to develop and improve the skills of the current and future workforce of the sector.

2. NAME

The name of this Sectoral Education and Training Authority (SETA) shall be the "CONSTRUCTION EDUCATION AND TRAINING AUTHORITY", referred to in this Constitution as the "CETA".

3. LEGAL STATUS

3.1 This is the constitution of the Construction Education and Training Authority established in terms of Sections 9 and 13 of the Skills Development Act No. 97 of 1998 (the Act) read together with the South African Qualifications Authority Act No. 58 of 1995 and the Skills Development Levies Act No. 9 of 1999.

3.2 The CETA is a juristic person.

3.3 The CETA may authorise any person or persons to act on its behalf and to sign all documents and to take all steps as may be necessary in connection with any legal proceedings brought by or against the CETA.

4. REGISTERED OFFICE

The registered office of the CETA shall provisionally be at 234 Alexandra Avenue, Halfway House, Midrand. The postal address is P. O. Box 1955, Halfway House 1685. The Director-General shall be notified in writing of any changes thereto.

5. DEFINITIONS

Any expression used in this Constitution which is not specifically defined hereunder, but which is defined in the Skills Development Act, 1998, or an Act read together with the Skills Development Act, 1998 shall, unless the contrary intention is apparent from the wording contained herein, bear the meaning assigned to it in the Act concerned.

5.1 "**accreditation**" means the certification of the CETA by SAQA as an Education and Training Quality Assurance Body in terms of the SAQA Act;

5.2 "**Act**" means the Skills Development Act, 1998 (Act No. 97 of 1998);

5.3 "**alternate**" means a person appointed to act on behalf of a member serving on the CETA or any of its committees in the temporary absence of the member;

5.4 "**construction sector**" includes all, but is not restricted to the economic activities and occupations contemplated in Annexure A;

- 5.5 **"Department"** means the Department of Labour;
- 5.6 **"Director-General"** means the Director-General of the Department of Labour;
- 5.7 **"education and training provider"** means a body duly accredited by the CETA in terms of the SAQA regulations concerned to provide education and training in the construction sector;
- 5.8 **"employers' organisation"** or **"employers= federation"** means any employers= body, registered in terms of any appropriate act, associated for the purpose, whether by itself or with other purposes, of regulating relations between employers and employees or trade unions, or the furtherance of employer interests, and which is recognised as such by the CETA;
- 5.9 **"ETQA Body"** means Education and Training Quality Assurance Body;
- 5.10 **"Minister"** means the Minister of Labour;
- 5.11 **"National Skills Authority"** means the National Skills Authority established in terms of section 4 of the Act;
- 5.12 **"party"** means organised employers, organised labour, government departments or professional bodies; as provided for in Section 11 of the Act; which are active in, or with an interest in the construction sector and recognised by the CETA as listed in "Annexure B";
- 5.13 **"SAQA"** means the South African Qualifications Authority established in terms of section 3 of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);
- 5.14 **"SETA"** means a Sector Education and Training Authority contemplated in Chapter 3 of the Act;
- 5.15 **"Skills Development Levies Act"** or **"Levies Act"** means the Skills Development Levies Act, 1999;
- 5.16 **"trade union"** means a trade union registered in terms of the Labour Relations Act, 1995 which is actively involved in the construction sector and which is recognised by the CETA as listed in "Annexure B".

6. ESTABLISHMENT OF THE CETA

The CETA shall be established by the Minister of Labour in terms of the provisions of the Skills Development Act, 1998 and its initial members shall be appointed by the Interim Steering Committee of the CETA, a body representative of employer and employee organisations in the construction sector, other related national stakeholders and government departments.

7. SCOPE OF COVERAGE OF THE CETA

The scope of coverage of the CETA is the construction sector as determined by the Minister in terms of section 9 of the Act and includes the activities and occupations referred to in "Annexure A".

8. POWERS OF THE CETA

The CETA shall, subject to the provisions of the Act, have all such powers as may be necessary to enable it to carry out its functions and fulfil its objectives and without limiting the generality thereof it shall have the following powers:

- 8.1 appoint CETA and alternate members;
- 8.2 establish committees and appoint members to such committees;
- 8.3 dissolve or reconstitute any committee;
- 8.4 delegate of its powers and duties to its members, committees and employees, provided that the CETA may impose conditions for the delegation of powers, but shall not be divested of any power or duty by virtue of the delegation, and may vary or set aside any decision made under any delegation: Provided that every delegation by the CETA must be in writing, setting out the terms and conditions of such delegation which must be recorded;
- 8.5 impose a code of conduct for CETA and committee members;
- 8.6 formulate the policies and procedures of the CETA;
- 8.7 make rules relating to CETA and committee meetings, financial matters, general procurement and administrative matters;
- 8.8 approve the annual budget of the CETA;
- 8.9 approve the annual business plan of the CETA;
- 8.10 request the minister to adjust the skills development levy as prescribed by the Levies Act, or determine another rate and basis for the Construction sector, if deemed necessary;
- 8.11 impose registration, accreditation and any other fees where necessary in the prescribed manner;
- 8.12 determine the rules for grants and funding of education and training by the CETA in the prescribed manner;
- 8.13 award study loans and bursaries, in the prescribed manner, for further, as well as tertiary education and training relevant to the construction sector;
- 8.14 determine the allowances and other remuneration, and other related matters for the CETA and committee members;
- 8.15 approve the CETA=s recruitment policy, objective selection criteria for all employees as well as the terms and conditions of employment of the Chief Executive Officer and other employees of the CETA;
- 8.16 appoint the Chief Executive Officer;
- 8.17 initiate and support standards generation bodies for domains or sub-fields covered by the scope of the CETA;

- 8.18 acquire by purchase, lease or otherwise any movable or immovable property and also to sell, let, mortgage or otherwise deal with or dispose of movable or immovable property or other assets belonging to the CETA; and
- 8.19 delegate selected powers and/or functions to other bodies: Provided that such delegation shall be in writing;
- 8.20 exercise any other powers not specifically mentioned, or as required by the Act in order to fulfil the objectives of the CETA.

9. FUNCTIONS AND OBJECTS OF THE CETA

The functions and objects of the CETA shall be to:

- 9.1 Determine the qualitative and quantitative education and training needs of the construction sector by actively involving all stakeholders who are party to the CETA in the development and maintaining of a sector skills plan, with special reference to the needs of informal/emerging enterprises, within the framework of the national skills development strategy;
- 9.2 Implement the sector skills plan by -
 - 9.2.1 approving workplace skills plans;
 - 9.2.2 establishing learnerships and skills programmes;
 - 9.2.3 allocating grants and funding in the prescribed manner to employers, education and training providers, employees, learners and students;
 - 9.2.4 monitoring education and training;
 - 9.2.5 approving and monitoring skills programmes;
 - 9.2.6 monitoring the demand for and the delivery of education and training in the sector;
 - 9.2.7 initiating and supporting standards generation;
 - 9.2.8 supporting further and higher education and training;
- 9.3 Promote learnerships and skills programmes by -
 - 9.3.1 identifying workplaces for practical work experience;
 - 9.3.2 supporting the development of learning materials;
 - 9.3.3 improving the facilitation of learning; and
 - 9.3.4 assisting in the conclusion of learnership agreements;
- 9.4 Register learnership agreements;

- 9.5 Promote education, training and career opportunities;
- 9.6 Promote and fund skills competitions in the prescribed manner;
- 9.7 Obtain accreditation from SAQA as the ETQA body for the construction sector and perform the functions arising from such accreditation;
- 9.8 Receive and disburse the skills development levies in the sector;
- 9.9 Liaise with the National Skills Authority, the Construction Industry Development Board, and related SETAs on:
 - 9.9.1 the national skills development policy;
 - 9.9.2 the national skills development strategy; and
 - 9.9.3 the CETA=s sector skills plan;
- 9.10 Report to the Director-General on -
 - 9.10.1 its income and expenditure; and
 - 9.10.2 the implementation of its sector skills plan;
- 9.11 Liaise with the employment services of the Department and any education and/or training body established to improve information -
 - 9.11.1 about employment opportunities; and
 - 9.11.2 between education and training providers and the labour market;
- 9.12 Appoint staff necessary for the performance of its functions;
- 9.13 Conduct research and development;
- 9.14 Raise donor and other funding;
- 9.15 Establish and maintain an efficient and effective administration;
- 9.16 Facilitate the involvement of relevant government departments in the activities of the CETA to:
 - 9.16.1 address the competency requirements for social delivery,
 - 9.16.2 address the learning needs of the most vulnerable segments of the sector.
 - 9.16.3 promote training of informal/emerging enterprises to enable them to qualify for public and private contracts and to comply with any registration requirements;
- 9.17 Liaise with relevant Government Departments, their nominated agencies or statutory bodies on matters of mutual interest;
- 9.18 Perform any other functions not specifically mentioned in order to fulfil the objectives of

the CETA.

10. PARTIES TO THE CETA

- 10.1 The respective parties to the CETA are listed in Annexure B of this constitution. These include:
- 10.1.1 organised employers, including small business;
 - 10.1.2 organised labour;
 - 10.1.3 government departments, government agencies and/or statutory institutions; and
 - 10.1.4 built environment professional bodies;
- 10.2 The CETA may, subject to the provisions of the Act, recognise additional organised employers, organised labour, government departments or professional bodies which apply for recognition, if it is satisfied that such recognition will make the CETA more representative of the parties in the sector.

11. COMPOSITION OF THE CETA

The CETA shall comprise the following natural persons as members:

- 11.1 ten employer members (with vote);
- 11.2 ten trade union members (with vote);
- 11.3 two members of government departments (one with and one without vote);
- 11.4 one joint member of all built environment professional councils (with vote);
- 11.5 Alternate members:

The following alternate members shall be appointed:

- 11.5.1 ten alternate employer members;
- 11.5.2 ten alternate trade union members;
- 11.5.3 two alternate members of government departments;
- 11.5.4 one joint alternate member of all built environment professional councils;
- 11.6 the Chief Executive Officer shall attend all meetings of the CETA in an ex officio capacity.

12. NOMINATION AND APPOINTMENT OF MEMBERS OF THE CETA

Members nominated to the CETA shall be knowledgeable with regard to construction sector education and training matters and committed to the advancement of skills development for the sector.

Only parties to the CETA as listed in "Annexure B" will be entitled to nominate members.

The members of the CETA shall be nominated as follows and appointed by the CETA except for the initial members who shall be appointed by the Interim Steering Committee for the CETA:

- 12.1 ten members representing employers who shall be nominated as follows:
 - 12.1.1 two by the established building industry;
 - 12.1.2 two by the emerging building/civil engineering industry;
 - 12.1.3 two by the established civil engineering industry;
 - 12.1.4 one jointly by specialist contractors;
 - 12.1.5 one jointly by the construction material manufacturers who are party to the CETA;
 - 12.1.6 one jointly by employers operating as established built environment professional consultancies;
 - 12.1.7 one jointly by employers operating as emerging built environment professional consultancies;
- 12.2 ten members representing employees who shall be nominated on a proportional basis by the trade unions listed in "Annexure B";
- 12.3 two members representing national government departments who shall be nominated by the coordinating government department after consultation with the relevant government departments as listed in "Annexure B";
- 12.4 one member representing the built environment professional councils who shall be nominated jointly by the built environment professional councils who are party to the CETA;
- 12.5 the Chairperson and deputy Chairperson, shall be elected by the CETA from the members serving on the CETA as provided for in clause 28;
 - Alternate members shall be nominated as follows and appointed by the CETA:
- 12.6 ten alternate members representing employers who shall be nominated as follows:
 - 12.6.1 two by the established building industry;
 - 12.6.2 two by the emerging building/civil engineering industry;
 - 12.6.3 two by the established civil engineering industry;
 - 12.6.4 one jointly by specialist contractors;
 - 12.6.5 one jointly by the building material manufacturers who are party to the CETA;
 - 12.6.6 one jointly by employers operating as established built environment professional consultancies;
 - 12.6.7 one jointly by employers operating as emerging built environment professional

consultancies;

- 12.7 ten alternate members representing employees who shall be nominated on a proportional basis by the trade unions listed in "Annexure B";
- 12.8 two alternate members representing national government departments who shall be nominated by the coordinating government department after consultation with the relevant government departments as listed in "Annexure B";
- 12.9 one alternate member representing the built environment professional councils who shall be nominated jointly by the built environment councils who are party to the CETA;
- 12.10 The Chief Executive Officer must invite nominations from the party or parties concerned, at least two months before the expiry of the term of office of a member of the CETA or a committee.

13. TERM OF OFFICE OF CETA MEMBERS, OFFICE BEARERS AND STANDING COMMITTEE MEMBERS

13.1 CETA Members

- 13.1.1 A member, or alternate member shall hold office for a term of three years and shall be eligible for re-appointment for a further term;
- 13.1.2 Should a member, or alternate member, having been so appointed, die, resign or be unable for whatever reason to continue in office during the three-year period, he or she will be replaced by a member, nominated and appointed as provided for in clause 12 hereof and the new member's three-year term of office will commence from the date of his or her appointment.

13.2 Office Bearers

- 13.2.1 The Chairperson and Deputy Chairperson shall hold office for a term of three years and shall be eligible for re-election for a second term of office.

13.3 Standing Committee Members

- 13.3.1 Standing committee members and alternate committee members shall be appointed ~~en bloc~~ for a term of three years and shall be eligible for re-appointment of a further term;
- 13.3.2 Vacancies shall be filled by the party concerned or as otherwise determined;
- 13.3.3 The Chairperson of a standing or other committee shall, unless otherwise determined, hold office for a term of three years and shall be eligible for re-election for a second term.

14. VACATION OF OFFICE BY MEMBERS OF THE CETA AND ITS COMMITTEES

Any member of the CETA or a committee shall vacate his or her office if-

- 14.1 his or her term of office expires;
- 14.2 his or her estate is sequestrated or he or she enters into a compromise with his or her creditors;
- 14.3 for permanent incapacity;
- 14.4 he or she is absent from two consecutive meetings of the CETA or Committee without leave from the CETA or Committee concerned;
- 14.5 he or she resigns by giving notice in writing to the Chairperson or Chief Executive Officer;
- 14.6 he or she, during the course of his or her term of office, is found guilty of a criminal offence;
- 14.7 if the nominating party withdraws its representative in writing;
- 14.8 if the nominating party ceases to exist;
- 14.9 for serious misconduct;
- 14.10 for failure to comply with the Code of Conduct;
- 14.11 The Chairperson of a committee shall be replaced, as provided for, if a majority vote of no confidence in him or her is adopted by a quorate meeting.

15. VOTING

- 15.1 The CETA shall endeavour to take decisions by consensus, however, in the event of this not being possible the decision of the majority of members at a quorate meeting will constitute the decision of the CETA save in circumstances involving a decision to amend this constitution where a two-thirds majority is required. In the case of an equality of votes the Chairperson shall have a casting vote;
- 15.2 Decisions shall be made by a show of hands or at the request of a member and concurrence of the Chairperson by way of a secret ballot.

16. COMMITTEES

Unless otherwise determined the powers of standing and other committees of the CETA shall be to advise, report and make recommendations to the CETA.

16.1 Standing Committees

The CETA shall not establish any chambers but shall establish the following standing committees:

- 16.1.1 Executive Committee;
- 16.1.2 Finance Committee;
- 16.1.3 Education and Training Quality Assurance (ETQA) Committee;

- 16.1.4 One national committee for each of the following sub-sectors:
 - 16.1.4.1 Construction;
 - 16.1.4.2 Construction Material Manufacturing; and
 - 16.1.4.3 Built Environment Professional Consulting;
- 16.1.5 Six Regional committees.

16.2 Other Committees

The CETA shall establish any other committees deemed necessary and may, subject to such conditions as it may deem fit, either generally or in relation to any particular matter, assign to any such committee any assignment, functions, power conferred or duty imposed upon the CETA in terms of this Constitution or the Act: Provided that the CETA may at any time vary or set aside any decision made by any of its committees in the exercise of any power or the carrying out of any duty so assigned;

- 16.3 The CETA may at any time alter the assignment, functions, area of jurisdiction or the scope of powers of any such committee;
- 16.4 The CETA may determine Rules of Procedure relating to the calling and conduct of meetings of the CETA and of committees, and generally relating to all matters necessary or incidental to the exercise of a committee's powers and the performance of its functions; and may repeal or alter such rules;
- 16.5 The CETA shall appoint any co-opted or CETA member/s as member/s of a committee, if it so desires.

17. CODE OF CONDUCT

- 17.1 Members of the CETA and members of any committees of the CETA must:
 - 17.1.1 perform their functions in good faith, giving full effect to the obligations and spirit of the Act;
 - 17.1.2 abstain from any conduct which may conflict with the interests of the CETA and must notify the CETA at the earliest opportunity practicable in the circumstances, of the nature and extent of any direct or indirect material interest which they may have in any dealings of the CETA;
 - 17.1.3 not make improper use of any information acquired as a member of the CETA or any committee of the CETA;
 - 17.1.4 not disclose information which is privileged or confidential to the CETA;
 - 17.1.5 declare any conflict between their personal interests and those of the CETA;
 - 17.1.6 declare any fiduciary interests they have relating to the functions or affairs of the CETA;
 - 17.1.7 not abuse the resources of the CETA;

- 17.1.8 protect and promote the reputation and goodwill of the CETA;
- 17.1.9 exercise their powers for the benefit and in the interests of the CETA.

18. EXECUTIVE COMMITTEE

18.1 Composition

The Executive Committee shall be composed as follows and the CETA must elect its members from the members of the CETA:

- 18.1.1 Two employer members who shall be elected by the employer members serving on the CETA: Provided that one member shall be elected from the emerging industry members;
- 18.1.2 Two employee members who shall be elected by the employee members serving on the CETA;
- 18.1.3 One government member who shall be nominated by the government departments concerned;
- 18.1.4 The Chairperson of the CETA who shall chair the executive committee;
- 18.1.5 The Chief Executive Officer in an ex officio capacity, without vote.

18.2 Powers and Duties of the Executive Committee

The Executive Committee shall:

- 18.2.1 exercise such powers and perform such functions as may be delegated to it by the CETA and shall report to the CETA;
- 18.2.2 be responsible for the management of the operational affairs of the CETA;
- 18.2.3 deal with the funds, conduct financial transactions and enter into contracts on behalf of the CETA on such conditions as determined by the CETA: Provided that any extraordinary financial transactions or contractual obligations shall be referred to the CETA;
- 18.2.4 The Executive Committee shall, but without limiting the generality of this, have the following special functions:
 - 18.2.4.1 present the annual budget, business plan, sector skills plan and quality management plan for the approval of the CETA;
 - 18.2.4.2 manage and co-ordinate the activities of other standing and ad hoc committees of the CETA;
 - 18.2.4.3 determine the terms and conditions of service and remuneration of the Chief Executive Officer and other employees of the CETA and to direct and supervise the Chief Executive Officer in the performance of his or her duties;
 - 18.2.4.4 appoint or recommend to the CETA the appointment of ad hoc committees as may be required; and
 - 18.2.4.5 seek and consider the advice or opinion of consultants.
- 18.2.5 The Executive Committee shall have the power to refer such matters as it may deem fit to any other standing committee or to an ad hoc committee that it may establish and

to withdraw or vary such reference at any time;

- 18.2.6 The Executive Committee shall not be entitled to decide questions of general policy but shall be empowered to act on behalf of the CETA in an emergency. In such event, the Executive Committee shall report its actions and the reasons for them to the CETA at its next meeting.

19. FINANCE COMMITTEE

19.1 Composition

- 19.1.1 Two employer members who shall be elected from and by the employer members serving on the CETA: Provided that one shall be elected from the emerging industry members;
- 19.1.2 Two employee members who shall be elected from and by the employee members serving on the CETA;
- 19.1.3 One government member who shall be nominated by the government departments concerned;
- 19.1.4 The Chairperson of the CETA or his or her nominee;
- 19.1.5 No more than two members co-opted by the CETA for their financial expertise;
- 19.1.6 The Chief Executive Officer in an ex officio capacity;
- 19.1.7 The Financial Manager or Accountant of the CETA in an ex officio capacity.

19.2 Powers and Duties of the Finance Committee

The Finance Committee shall:

- 19.2.1 Elect a Chairperson from its members;
- 19.2.2 Oversee the compilation of, and review from time to time, the CETA financial management systems, policies and procedures;
- 19.2.3 Approve and review the CETA=s insurance portfolio;
- 19.2.4 Determine, review and monitor internal auditing procedures;
- 19.2.5 Determine rules for grant payments subject to the applicable regulations;
- 19.2.6 Ensure the management of roll-over funds;
- 19.2.7 Review and advise the CETA on the CETA=s approach to financial investment, subject to applicable legislation and regulations;
- 19.2.8 Review management accounts and financial statements; and
- 19.2.9 Review and advise the CETA on its annual budget.

20. EDUCATION AND TRAINING QUALITY ASSURANCE (ETQA) COMMITTEE

20.1 Composition

- 20.1.1 Two employer members who shall be elected from and by the employer members serving on the CETA: Provided that one member shall be elected from the emerging industry members;
- 20.1.2 Two employee members who shall be elected from and by the employee members serving on the CETA;
- 20.1.3 One government member who shall be nominated by the government departments concerned;
- 20.1.4 No more than four members co-opted by the CETA for their quality assurance expertise;
- 20.1.5 The Chief Executive Officer in an ex officio capacity;
- 20.1.6 The Quality Assurance Manager of the CETA in an ex officio capacity.

20.2 Powers and Duties of the ETQA Committee

The ETQA Committee shall:

- 20.2.1 Elect a Chairperson from its members;
- 20.2.2 Guide the CETA=s application to SAQA to be accredited as an ETQA Body;
- 20.2.3 Guide the CETA=s application to SAQA to renew its accreditation as an ETQA Body;
- 20.2.4 Guide and support the drafting of a Quality Management System (QMS);
- 20.2.5 Review and maintain the effectiveness of the quality management system;
- 20.2.6 Guide policies and procedures regarding provider accreditation;
- 20.2.7 Guide and monitor education and training provision;
- 20.2.8 Guide the auditing of quality management procedures;
- 20.2.9 Guide policy and procedures with regard to assessor registration;
- 20.2.10 Guide the devolution of the certification function;
- 20.2.11 Guide the promotion of quality;
- 20.2.12 Guide the monitoring of standards and qualifications and the recommendation of revisions and the generation of new standards;
- 20.2.13 Guide and review ETQA reports for SAQA;

20.2.14 Consider and review any relevant reports received from SAQA; and

20.2.15 Ensure that the CETA fulfills all its functions in terms of SAQA regulations.

21. NATIONAL COMMITTEE FOR THE CONSTRUCTION SUB-SECTOR

21.1 Composition

The composition of this committee shall include the following: Provided that the CETA may admit additional members:

- 21.1.1 two members nominated by the established building industry;
- 21.1.2 two members nominated by the emerging building/civil engineering industry;
- 21.1.3 two members nominated by the established civil engineering industry;
- 21.1.4 one member nominated by each of the specialist contractor bodies who are party to the CETA;
- 21.1.5 one member nominated by the government departments concerned;
- 21.1.6 two members nominated by trade unions who are party to the CETA;
- 21.1.7 the Chief Executive Officer in an ex officio capacity.

22. NATIONAL COMMITTEE FOR THE CONSTRUCTION MATERIAL MANUFACTURING SUB-SECTOR

22.1 Composition

The composition of this committee shall include the following: Provided that the CETA may admit additional members:

- 22.1.1 one member nominated by each of the construction material manufacturing groupings who are party to the CETA;
- 22.1.2 two members nominated by trade unions who are party to the CETA;
- 22.1.3 the Chief Executive Officer in an ex officio capacity.

23. NATIONAL COMMITTEE FOR THE BUILT ENVIRONMENT PROFESSIONAL CONSULTING SUB-SECTOR

23.1 Composition

The composition of this committee shall include the following: Provided that the CETA may admit additional members:

- 23.1.1 one member nominated by each professional association who is party to the CETA;
- 23.1.2 one member nominated by the government departments concerned;
- 23.1.3 one member nominated by trade unions who are party to the CETA;

23.1.4 the Chief Executive Officer in an ex officio capacity.

24. POWERS AND DUTIES OF NATIONAL SUB-SECTOR COMMITTEES

National sub-sector committees shall:

- 24.1 Elect a Chairperson from its members;
- 24.2 Review and guide the sub-sector=s skills development component of the budget;
- 24.3 Review and comment on skills development financial statements;
- 24.4 Review reports on the evaluation of the impact of the skills development levy in the sub-sector;
- 24.5 Advise on the approach to and methodology for research required in order to develop the sector skills plan;
- 24.6 Review any draft sector skills plan before testing with stakeholders;
- 24.7 Review interim and annual sector skills plan reports;
- 24.8 Review sector skills plan evaluation reports;
- 24.9 Review national and sectoral workplace skills plan guidelines;
- 24.10 Review workplace skills plan reports.
- 24.11 Assist with the identification of national qualifications and standards, as well as learnerships and skills programmes, required to meet sector skills priorities and targets;
- 24.12 Assist with the identification of opportunities for structured workplace experience;
- 24.13 Review learnership and learner progress aggregate reports; and
- 24.14 Review learnerships and skills programme evaluation reports.

25. REGIONAL COMMITTEES

25.1 Establishment of Regional Committees

- 25.1.1 The following Regional Committees shall be established which may be increased should the CETA so decide:
 - 25.1.1.1 Western Cape;
 - 25.1.1.2 East Cape;
 - 25.1.1.3 KwaZulu Natal;
 - 25.1.1.4 Free State and Northern Cape;
 - 25.1.1.5 Gauteng and North West;

25.1.1.6 Mpumalanga and Northern Province.

25.2 Composition

The CETA must determine the composition of the respective Regional Committees and shall ensure the representation of major stakeholders from all provinces in the region. These should not comprise of less than the following members per province:

- 25.2.1 three employer members;
- 25.2.2 three employee members;
- 25.2.3 one member of provincial government departments;
- 25.2.4 the Chief Executive Officer of the CETA in an ex officio capacity or his or her nominee, without vote;
- 25.2.5 the regional manager of the CETA in an ex officio capacity, without vote;
- 25.2.6 two members of accredited education and training providers in the province;
- 25.2.7 such further members as may be co-opted by the Regional Committee with the approval of the CETA;
- 25.2.8 Alternate members:

The following alternate members shall be appointed per province:

- 25.2.8.1 three alternate employer members;
- 25.2.8.2 three alternate employee members;
- 25.2.8.3 one alternate member of provincial government departments.

25.3 Nomination of Regional Committee Members

Members nominated to a Regional Committee shall be knowledgeable with regard to construction sector education and training matters and committed to the advancement of skills development for the sector.

The members of a Regional Committee shall be nominated as follows:

- 25.3.1 three members per province representing employers who shall be nominated as follows:
 - 25.3.1.1 one by members of the established building industry;
 - 25.3.1.2 one by members of the emerging building/civil engineering industry;
 - 25.3.1.3 one by members of the established civil engineering industry;
- 25.3.2 three members per province representing employees in the industry who are members of trade unions who are actively involved in the Construction Sector in the province concerned who shall be nominated by such trade unions;
- 25.3.3 one member per province who shall be nominated jointly by interested provincial

departments after consultation with one another;

- 25.3.4 two members who shall be nominated jointly by accredited education and training providers in the province;
- 25.3.5 co-opted members, who shall be nominated by the Regional Committee;
- 25.3.6 Alternate members:
 - The following alternate members shall be nominated:
 - 25.3.6.1 three alternate members per province representing employers who shall be nominated as follows:
 - 25.3.6.1.1 one by members of the established building industry;
 - 25.3.6.1.2 one by members of the emerging building/civil engineering industry;
 - 25.3.6.1.3 one by members of the established civil engineering industry;
 - 25.3.6.2 three alternate members per province representing employees in the Industry who are members of trade unions who are actively involved in the Construction Sector in the province concerned who shall be nominated by such trade unions;
 - 25.3.6.3 one alternate member per province who shall be nominated jointly by interested provincial departments after consultation with one another.

25.4 Powers and Duties of Regional Committees

Regional Committees shall:

- 25.4.1 Elect a Chairperson from amongst its members;
- 25.4.2 Generate inputs for the region (by province) to be included in the sector skills plans, with special attention to emerging and small enterprise requirements;
- 25.4.3 Guide and review regional sector skills plan implementation reports;
- 25.4.4 Guide and review regional reports on impact of learning;
- 25.4.5 Provide feedback on the implementation of the sector skills plan at a regional level to the national office;
- 25.4.6 Assist in the identification of structured workplace learning opportunities;
- 25.4.7 Identify gaps in national qualifications and standards;
- 25.4.8 Guide regional and provincial learnership and skills programme reports; and
- 25.4.9 Identify weaknesses and problem areas in regional sector skills plan implementation.

26. MEETINGS OF THE CETA AND COMMITTEES

- 26.1 The CETA shall meet at least four times per calendar year;
- 26.2 The CETA shall adopt at its first meeting and thereafter by not later than the last meeting of a calendar year a schedule of meetings for the ensuing calendar year for the CETA and its standing committees;
- 26.3 With respect to special meetings, the Chief Executive Officer in consultation with the Chairperson of the CETA or standing committee as the case may be, may on grounds of urgency, call a special meeting of the CETA or standing committee on 48 hours notice;
- 26.4 If the Chief Executive Officer receives a request signed by at least half of the members of the CETA or a standing committee, as the case may be, he or she must as soon as practicable give notice of a special meeting of the CETA or standing committee and that special meeting must be held within 15 working days of receiving the request;
- 26.5 The proceedings of the CETA or a committee shall not be invalid by reason of a vacancy on the CETA or committee;
- 26.6 At any meeting of the CETA or a committee of the CETA -
- 26.6.1 the chairperson must preside;
- 26.6.2 if the chairperson of the CETA is absent from the meeting, then the deputy chairperson must preside;
- 26.6.3 if the deputy chairperson of the CETA or the chairperson of a committee is absent, then members at the meeting must elect a member from amongst themselves to act as chairperson at that meeting; and
- 26.6.4 the chairperson may order any member to leave a meeting if in the opinion of the chairperson the behaviour of such member is disruptive to the orderly conduct of the meeting.
- 26.7 A quorum at a CETA meeting shall be constituted by one third plus one of the CETA members: Provided that a minimum of three employer and three employee members shall be present; a quorum at a committee meeting shall be constituted by one third plus one of its members;
- 26.8 When the number of members present at the time and place fixed for a meeting is insufficient to form a quorum, the meeting shall continue, with the proviso that any recommendations or decisions reached shall be subject to ratification at the next meeting, provided that matters of urgency shall be subject to postal ratification unless otherwise provided for;
- 26.9 Notices convening meetings shall include an agenda of the matters to be considered and shall be forwarded to persons required to attend at least 14 days before the scheduled date of the meeting to the postal address registered with the CETA;
- 26.10 Minutes of each meeting shall be compiled in the English language by a staff member designated by the Chief Executive Officer, and tabled for approval at the following

meeting. These shall be circulated with the notice convening the next meeting or as otherwise determined;

- 26.11 The Chairperson of a meeting must sign the minutes as confirmation of their correctness;
- 26.12 Minutes shall be a summarised record of the proceedings, resolutions and actions required. Members may request that his or her particular views be reflected in the minutes.

27. THE CHIEF EXECUTIVE OFFICER AND OTHER EMPLOYEES

- 27.1 The CETA must appoint the Chief Executive Officer in accordance with objective selection criteria, whenever the position becomes vacant it must be publicly advertised;
- 27.2 The Chief Executive Officer is responsible to the CETA for the execution of its functions in terms of the Act and this Constitution and must -
 - 27.2.1 supervise the other employees of the CETA;
 - 27.2.2 perform the role of the accounting officer of the CETA charged with accounting for moneys received, payments made and property purchased by the CETA;
- 27.3 The Chief Executive Officer shall be assisted in the performance of his or her duties by other employees of the CETA appointed by the Chief Executive Officer in accordance with the CETA=s recruitment policy and selection criteria;
- 27.4 The Chief Executive Officer shall attend all meetings of the CETA and its standing committees in an ex officio capacity.

28. OFFICE BEARERS OF THE CETA

- 28.1 The CETA must at its first meeting; and thereafter at the first meeting of each new term of office; elect from among its members -
 - 28.1.1 a Chairperson; and
 - 28.1.2 a Deputy Chairperson.
- 28.2 The chairperson of the meeting must call for nominations for the Chairperson of the CETA. If there is only one nomination, then the chairperson must declare the member concerned elected as Chairperson. If there is more than one nomination, then the chairperson must conduct a secret ballot.
- 28.3 The nominee who receives the highest number of votes must be declared elected as Chairperson of the CETA.
- 28.4 If two nominees receive the same number of votes, then the chairperson of the meeting must draw one of the names from a hat or box and that person must be declared elected as the Chairperson of the CETA.
- 28.5 The Deputy Chairperson must be elected in the same manner as the Chairperson.

- 28.6 The Chairperson of the CETA must -
 - 28.6.1 preside at meetings of the CETA;
 - 28.6.2 conduct such meetings in accordance with this Constitution and;
 - 28.6.3 perform any further duties or functions determined by the CETA.
- 28.7 The Deputy Chairperson must -
 - 28.7.1 assist the Chairperson perform his or her duties;
 - 28.7.2 exercise the powers and duties of the Chairperson in his or her absence; and
 - 28.7.3 perform any further functions determined by the CETA.
- 28.8 Temporary absence or incapacity of Chairperson or Deputy Chairperson:
 - 28.8.1 If the Chairperson is temporarily absent or incapacitated then the Deputy Chairperson must perform the functions of the office of Chairperson for the period of such absence or incapacity.
 - 28.8.2 If the Deputy Chairperson is temporarily absent or incapacitated the CETA must appoint a member to perform the functions of that office for the period of such absence or incapacity.
- 28.9 The Chairperson or Deputy Chairperson vacates office if -
 - 28.9.1 he or she is removed as a member as contemplated in this Constitution; or
 - 28.9.2 the majority of the members of the CETA pass a resolution to remove him or her from office.
 - 28.9.3 If the Chairperson or Deputy Chairperson vacates office the CETA must replace him or her as provided for in sub clause 28.2 or 28.5 as the case may be.

29. FINANCES OF THE CETA

- 29.1 The money received by the CETA must be paid into a bank account at a registered bank and may be invested only in -
 - 29.1.1 savings accounts, permanent shares or fixed deposits in any registered bank or other financial institution;
 - 29.1.2 internal registered stock contemplated in section 21(1) of the Exchequer Act, 1975; and
 - 29.1.3 any other manner approved by the Minister;
- 29.2 The moneys received by the CETA may only be used in the prescribed manner to -
 - 29.2.1 fund the performance of its functions; and
 - 29.2.2 pay for its administration;

- 29.3 In each financial year the CETA must submit to the Minister a statement of the CETA=s estimated income and expenditure for the following financial year;
- 29.4 The CETA must, in accordance with the standards of generally accepted accounting practice -
 - 29.4.1 keep proper record of its financial transactions, assets and liabilities; and
 - 29.4.2 within three months after the end of each financial year, prepare accounts reflecting income and expenditure and a balance sheet showing its assets, liabilities and financial position as at the end of that financial year;
- 29.5 The Auditor-General must -
 - 29.5.1 audit the accounts, financial statements and financial management of the SETA; and
 - 29.5.2 report on that audit to the CETA and to the Minister and in that report express an opinion as to whether the CETA has complied with the provisions of the Act, and its constitution, relating to financial matters.
- 29.6 The Executive Committee is responsible for ensuring that the CETA complies with the financial requirements of the Act, this Constitution and any other applicable law.
- 29.7 The Executive Committee must appoint at least three signatories to each account of the CETA.
- 29.8 At least two of the three signatories must be required to authorise any payment by the CETA;
- 29.9 The provisions of the Public Finance Management Act, 1999 will be complied with.

30. INDEMNITY

Every member of the CETA and every member of the Executive Committee and any other committee of the CETA and the staff of the CETA are indemnified by the CETA against any civil liability arising from the performance of their duties carried out in good faith.

31. TAKING OVER ADMINISTRATION OF THE CETA

- 31.1 The Minister may, after consultation with the National Skills Authority, by notice in the Government Gazette, direct the Director-General to appoint an administrator to take over the administration of the CETA if the Minister is of the opinion that -
 - 31.1.1 the CETA fails to perform its functions;
 - 31.1.2 there is mismanagement of its finances; or
 - 31.1.3 its membership no longer substantially represents the composition contemplated in section 11 of the Act.
- 31.2 In that notice the Minister -
 - 31.2.1 must determine the powers and duties of the administrator appointed in terms of clause 31.1;

- 31.2.2 may suspend or replace one or more members of the CETA for a reason contemplated in clause 31.1;
- 31.2.3 may suspend the operation of the constitution of the CETA; and
- 31.2.4 may, in the prescribed manner, transfer funds in the CETA=s bank account to the National Skills Fund.
- 31.3 If a notice is published in terms of clause 31.1, the Minister may, to ensure that the CETA resumes the performance of its functions -
 - 31.3.1 amend its constitution;
 - 31.3.2 reinstate its members; and
 - 31.3.3 withdraw or amend any provision of the notice contemplated in clause 31.2 on such conditions as the Minister considers appropriate.

32. AMENDMENTS TO THIS CONSTITUTION

- 32.1 The Minister, after consultation with the CETA, may amend this Constitution.
- 32.2 The CETA may by way of a two-thirds resolution of members of the CETA recommend to the Minister that this Constitution be amended in accordance with the resolution.
- 32.3 The Chief Executive Officer must give notice to members of the CETA of any proposed amendment to this Constitution at least 21 days prior to the meeting of the CETA.

33. DISPUTE RESOLUTION

- 33.1 Any person involved in a dispute concerning the application or interpretation of this constitution must refer the dispute in writing to the Chief Executive Officer.
- 33.2 The Chief Executive Officer must serve copies of such referral to the chairperson and all members of the authority.
- 33.3 The Chief Executive Officer must refer the dispute to arbitration within 30 days of receipt of the referral, in accordance with the decision of the CETA, to either of:
 - ☐ Commission for Conciliation and Arbitration; or
 - ☐ Any arbitrator appointed by the CETA to resolve the dispute.

SIGNED AT ON THIS DAY OF FOR

AND ON BEHALF OF THE CETA BY:

1. ORGANISED BUSINESS _____

2. ORGANISED LABOUR _____

3. GOVERNMENT DEPARTMENTS _____

4. BUILT ENVIRONMENT PROFESSIONAL BODIES _____

CERTIFICATION

SIGNED AT ON THIS.....DAY OF

**MMS MDLADLANA
MINISTER OF LABOUR**

"ANNEXURE A"

SCOPE OF COVERAGE

"Construction Sector" includes all building, civil engineering and related activities (which are performed in an office, on site, in a workshop or factory) associated with the design of, planning for, preparation for, and the building, construction, erection, fitting, installation, completion, maintenance and repair of buildings, structures, factories, dam walls, weirs, reservoirs, pipelines, canals, tunnels, roads, runways, driveways, and parking areas, as well as building and civil engineering infrastructure. It includes, but is not limited to the following activities and occupations:

- ☐ Architecture
- ☐ Bricklaying
- ☐ Brickmaking
- ☐ Building installations and completion including building services
- ☐ Building and construction project management
- ☐ Built environment consulting engineers
- ☐ Built environment professional consultation
- ☐ Carpentry including the manufacture of roof trusses
- ☐ Ceiling and partition erection
- ☐ Civil engineering
- ☐ Concreting including on site and off site manufacture of precast building and civil engineering products
- ☐ Conservation, restoration and refurbishment of buildings, structures, etc.
- ☐ Construction contracting
- ☐ Construction and maintenance of water supply, sewerage and storm water infrastructure
- ☐ Construction, maintenance and repair of roads, runways, bridges, tunnels and related structures including drainage and road services
- ☐ Construction management and supervision
- ☐ Contractor development
- ☐ Cutting, bending and fixing reinforcing steel
- ☐ Demolition of buildings and structures
- ☐ Dimensional stone trades
- ☐ Earth crust drilling
- ☐ Excavations, earth moving and tunnelling
- ☐ Fencing
- ☐ Floor covering
- ☐ Glazing
- ☐ Joinery and woodmachining including the manufacture of wooden and other building fixtures
- ☐ Labour only contracting
- ☐ Landscape architecture
- ☐ Land surveying
- ☐ Manufacture of bitumen emulsion, modified bituminous binder, bitumen slurry, cold and hot-mix asphalt
- ☐ Manufacture and installation of refractory products
- ☐ Manufacture, assembly and installation of building related aluminium components/fixtures
- ☐ Manufacture of tiles and sanitary ware
- ☐ Painting and decorating
- ☐ Plant operation (Building/Civil)
- ☐ Plastering, tiling and paving
- ☐ Plumbing
- ☐ Quantity surveying
- ☐ Road surfacing and repair
- ☐ Roofing
- ☐ Scaffolding

"ANNEXURE A" (CONTINUED)

- ☒ Shopfitting
- ☒ Shoring and piling
- ☒ Shuttering
- ☒ Site preparation
- ☒ Structural steel and cladding contracting
- ☒ Sub-contracting
- ☒ Timber construction
- ☒ Town and Regional Planning
- ☒ Waterproofing contracting.

"ANNEXURE B"

PARTIES TO THE CONSTRUCTION EDUCATION AND TRAINING AUTHORITY

1. ORGANISED EMPLOYER BODIES

1.1 Major National Employer Bodies

Established Building Industry

- ⊘ Building Industries Federation South Africa (BIFSA)

Emerging Building/Civil Engineering Industry

- ⊘ Black Construction Council (BCC) - this constituency specifically includes small business and informal/emerging entrepreneurs

Established Civil Engineering Industry

- ⊘ South African Federation of Civil Engineering Contractors (SAFCEC)

Note: These bodies include their respective corporate, affiliated and allied members.

1.2 Specialist Contractor Bodies

- ⊘ Association of Architectural Aluminium Manufacturers of South Africa (AAAMSA)
- ⊘ Construction Engineering Association (CEA)
- ⊘ Drilling Contractors Association of Southern Africa (DCA)
- ⊘ Institute of Plumbing (SA) (IOP)
- ⊘ Refractories Contractors Association (REFCA)
- ⊘ Southern African Bitumen Association (SABITA)

1.3 Construction Material Manufacturers

- ⊘ Bitumen Manufacturers
- ⊘ Clay Brick Manufacturers
- ⊘ Concrete and Concrete Products Manufacturers
- ⊘ Refractory Products Manufacturers
- ⊘ Sanitary Ware Manufacturers
- ⊘ Tile Manufacturers

1.4 Built Environment Professional Consultants

Established Built Environment Professional Consultancies

- ⊘ Association of Consulting Town and Regional Planners (ACTRP)
- ⊘ Association of South African Quantity Surveyors (ASAQS)
- ⊘ Federation of Professional Land Surveyors of Southern Africa
- ⊘ Institute of Landscape Architects of Southern Africa
- ⊘ South African Association of Consulting Engineers (SAACE)
- ⊘ South African Institute of Architects (SAIA)

Emerging Built Environment Professional Consultancies

- ⊘ South African Black Technical and Allied Careers Organisation (SABTACO)
"ANNEXURE B" (CONTINUED)

2. ORGANISED LABOUR

- ⊘ Amalgamated Union of Building Trade Workers (AUBTW)
- ⊘ Building Construction and Allied Workers Union (BCAWU)
- ⊘ Building Workers= Union
- ⊘ Building Workers Union
- ⊘ Construction and Allied Workers Union (CAWU)
- ⊘ South African Woodworkers Union

3. GOVERNMENT DEPARTMENTS INCLUDING STATUTORY INSTITUTIONS

- ⊘ Department of Public Works (coordinator of National Government Departments)
- ⊘ Department of Constitutional Development
- ⊘ Department of Housing
- ⊘ Department of Transport
- ⊘ Department of Water Affairs and Forestry
- ⊘ Construction Industry Development Board

4. BUILT ENVIRONMENT PROFESSIONAL BODIES

- ⊘ Engineering Council of South Africa (ECSA)
- ⊘ South African Council for Architects (SACA)
- ⊘ South African Council for Landscape Architects
- ⊘ South African Council for Professional Land Surveyors
- ⊘ South African Council for Quantity Surveyors (SACQS)
- ⊘ South African Council for Regional and Town Planners

Note: The CETA may recognise any additional parties provided for in the Act, which apply for recognition, if it is satisfied that such recognition will make the CETA more representative of the stakeholders in the sector.